

3 FAM 4300

DISCIPLINARY ACTION (INCLUDING SEPARATION FOR CAUSE)

(TL:PER-338; 08/19/1997)

3 FAM 4310

DISCIPLINARY ACTION — GENERAL

3 FAM 4311 COVERAGE

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

These regulations apply to employees as defined in 3 FAM 4312(h) of the:

- Department of State;
- U.S. Agency for International Development (USAID);
- U.S. Information Agency (USIA);
- Department of Agriculture; and
- Department of Commerce.

3 FAM 4312 DEFINITIONS

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

The following definitions apply for purposes of the 3 FAM 4300 chapter.

- (1) **Act** – The Foreign Service Act of 1980, as amended, 22 U.S.C. 3901 *et seq.*
- (2) **Administrative inquiry** – An inquiry by agency management to gather facts and information relating to an incident or allegation that may serve as grounds for disciplinary action, conducted by agency investigating officials.
- (3) **Admonishment** – A warning or caution to an employee.
- (4) **Agency** – The Department of State, USAID, USIA, the Department of Agriculture, and Department of Commerce or their successor agencies.

- (5) **Days** – Calendar days.
- (6) **Deciding Official** – The individual who makes the decision to admonish, reprimand, suspend, or separate for cause.
- (7) **Disciplinary Action** – Action against an employee in the form of a reprimand, suspension or separation for cause.
- (8) **Employee** – Any U.S. citizen who is a member of the Senior Foreign Service or who is assigned to a salary class in the Foreign Service schedule, and who is serving under either a career or career candidate appointment, but does not include consular agents.
- (9) **Head of Agency** – For the Department of State, the Secretary of State; for USAID, the Administrator of USAID; for USIA, the Director of USIA; for Agriculture, the Secretary of Agriculture; for Commerce, the Secretary of Commerce.
- (10) **Investigating Official** – A management official, OIG investigator, or Office of Security investigator who is conducting an administrative inquiry.
- (11) **Management Official** – A supervisor, personnel officer, administrative officer, or other management official who has personal knowledge of or receives information relating to an incident or allegation that may serve as grounds for disciplinary action.
- (12) **Office of Security** – For State and USAID, the Bureau of Diplomatic Security; for USIA, the Office of Security; for Agriculture, Foreign Agriculture Service, Compliance Review Staff; for Commerce, the Office of Director of Security.
- (13) **OIG** – The Office of Inspector General within the Department of State and comparable organizations in the other Foreign Affairs agencies.
- (14) **Performance File** – The Foreign Service official personnel file which serves as the repository for conduct and performance-related documents for employees.
- (15) **Proposing Official** – The management official who proposes a reprimand, suspension, or separation for cause to the deciding official.
- (16) **Reprimand** – An official rebuke, censure, or registration of disapproval of a specific action or actions by an employee, in writing.
- (17) **Separation for Cause** – Separation from the Service for such cause as will promote the efficiency of the Service under Section 610 of the Act.
- (18) **Service** – The Foreign Service of the United States.
- (19) **Supervisor** – Any supervisor in an employee's chain of command.

(20) **Suspension** – Placement of an employee in a temporary nonduty and nonpay status for disciplinary reasons. (See provisions for indefinite nonpay/nonduty status under 3 FAM 4362 , Indefinite “Suspension” When Employee Has Been Convicted of A Crime).

3 FAM 4313 LEGAL BASIS FOR ADMONISHMENT AND DISCIPLINARY ACTION

3 FAM 4313.1 Admonishments, Reprimands, and Suspensions

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

a. Section 201 and 206 of the Act, 5 U.S.C. 301 and 22 U.S.C. 2651a(a)(3)(A) authorize the Secretary of State to prescribe regulations governing the conduct of employees of the Department of State.

b. Section 202 of the Act authorizes the Director of USIA, the Administrator of USAID, the Secretary of Agriculture and the Secretary of Commerce to exercise the functions vested in the Secretary of State by the Act with respect to employees of their respective agencies.

3 FAM 4313.2 Separation for Cause

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

a. Section 610 of the Act authorizes the Secretary of State to separate any member from the Service for such cause as will promote the efficiency of the Service.

b. Section 202 of the Act authorizes the Administrator of USAID, the Director of USIA, the Secretary of Agriculture, and the Secretary of Commerce to exercise the functions vested in the Secretary of State with respect to Foreign Service employees of their respective agencies.

3 FAM 4314 GROUNDS FOR ADMONISHMENTS AND DISCIPLINARY ACTION

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

The following may constitute grounds for an admonishment or disciplinary action under 3 FAM 4300 :

- (1) Unsatisfactory performance of duties;
- (2) Insubordination;
- (3) Failure to follow instructions;
- (4) Breach of security regulations or revocation of an employee's security clearance;
- (5) Absence without official leave;
- (6) Prohibited personnel practices and/or any EEO violation or violation of the merit principles stated in section 105 of the Act.
- (7) Any other act or activity, specifically prohibited under 5 CFR Parts 734 (Political Activities for Federal Employees), 735 (Employee Responsibilities and Conduct), or 2635, (Standards of Ethical Conduct for Employees of the Executive Branch);
- (8) Any other act or activity specifically prohibited for employees of State, USAID, or USIA by 3 FAM 4100 , in particular, 3 FAM 4138 , and for employees of Agriculture and Commerce, by the comparable Department of Agriculture or Department of Commerce regulations.
- (9) Such other cause as will promote the efficiency of the Service.

3 FAM 4314 THROUGH 4319 UNASSIGNED

